THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8179 of 2007

Dated:26.04.2007

Between:

K.Ranjith Kumar and others.

…Petitioners

and

The Government of A.P., and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8179 of 2007

ORDER:

The petitioners allege that they were allotted house sites bearing various plot numbers in the land comprised in Survey No.57 of Shamshiguda Village of Kukatpally Municipality of Balanagar Mandal in Ranga Reddy District. They allege that they constructed houses and are residing there. They further allege that on 05.03.2007, the fifth respondent came to the area and partially demolished the houses and compound walls without issuing any notice. Therefore, they filed the present Writ Petition seeking a writ of mandamus declaring the action of the fifth respondent from evicting and dismantling the petitioners' houses as illegal and arbitrary, and for award of damages.

When the matter was initially heard, the learned Assistant Government Pleader for Revenue (Assignment) brought to the notice of this Court that though pattas were granted to some persons, possession was not handed over to them, and that the fifth respondent never tried to dismantle the houses, as alleged. He also submits that the Writ Petition is filed on a mere apprehension.

Except making bald allegation in paragraph 3 of the affidavit accompanying the Writ Petition, the petitioners have not placed any material to prove the allegation. Therefore, this Court has no reason to disbelieve the submission of the learned Assistant Government. However, this Court observes that whether or not possession is given to them, if the petitioners have already occupied the land and constructed houses, as alleged, without following due process of law, they will not be evicted from the land.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

26.04.2007
vs